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May 10, 2005

By electronic mail

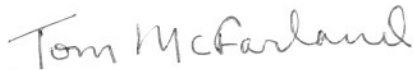
Vernon A. Williams, Secretary
Surface Transportation Board
Case Control Unit, Suite 713
1925 K Street, N.W.
Washington, DC 20423-0001

Re: Docket No. NOR-42089, *Albany & Eastern Railroad Company v. BNSF Railway Company*

Dear Mr. Williams:

This is to notify the Board that Albany & Eastern Railroad Company (AERC) and BNSF Railway Company (BNSF) have resolved all issues raised in the complaint in the above proceeding. Accordingly, AERC hereby moves for voluntary dismissal of the complaint, with prejudice. I am authorized by counsel for BNSF to state that BNSF supports that motion. AERC and BNSF appreciate the Board's cooperation in this proceeding, which facilitated settlement of this matter.

Very truly yours



/s/

Thomas F. McFarland
*Attorney for Albany & Eastern
Railroad Company*

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cc: Sidney Strickland, Esq., *by e-mail*
Mr. Mike Root, *by e-mail*